



# MEMO ENDORSED

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Corporation Counsel

DEC 02 2005

THE CITY OF NEW YORK  
LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, N.Y. 10007-2601

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**BY HAND**

The Honorable James C. Francis IV  
United States Magistrate Judge, Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1960  
New York, New York 10007-1312

December 2, 2005

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 12/5/05

Re: Adams v. City of New York, et al. 05 CV 9484 (KMK)(THK)

Dear Judge Francis:

I am an Assistant Corporation Counsel with the City of New York and I write in connection with the above captioned case, arising from arrests made during the Republican National Convention. We represent Defendant City of New York ("Defendant")<sup>1</sup> in this matter

On or about November 14, 2005, Defendant was served with the Complaint in this case. Defendant respectfully requests additional time to answer or otherwise move with respect to the Complaint. Defendant needs this extension to investigate the allegations of the Complaint. We believe that records of the underlying criminal actions against all eighty-eight (88) Plaintiffs, including police records, have been sealed pursuant to New York Criminal Procedure Law § 160.50. We have forwarded to Plaintiffs' counsel, consents and authorizations for the release of sealed records, so that Defendant can access the information, properly assess the case, and respond to the Complaint.

For the foregoing reasons, Defendant requests a sixty day enlargement, which would make the due date February 2, 2006 for answering or otherwise moving with respect to the Complaint.

<sup>1</sup> Upon information and belief, Individual Defendants Joseph Lamendola, Jermiah Malone, Cuong Nguyen, Victor Perez, Jonathan Quimby, Remy Randall, James Rufle and Daniel Ryan are members of the NYPD and they have not been served. Therefore, should the Court grant this enlargement, it is respectfully requested that it also give this office time to determine, pursuant to Section 50-K of the New York General Municipal Law, and based upon a review of the facts of the case, whether we will represent them. See Mercurio v. City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision regarding representation of individual defendants made by Corporation Counsel set forth in state law).

Counsel for the Plaintiffs, Michael L. Spiegel, Esq., has kindly consented to this request. We have not previously requested an extension of time to answer the Complaint. If this meets with your approval, would you kindly "so order" it?

Very truly yours,

*Jeffrey A. Dougherty*

Jeffrey A. Dougherty

cc: Michael L. Spiegel, Esq. (by Facsimile)

12/5/05  
Application granted.  
SO ORDERED.  
*James C. Francis IV*  
USM J